

MESSAGE NO: 4186111 MESSAGE DATE: 07/05/1994

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: SCO-Scope PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-588-405

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 05/03/1994 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: SCOPE RULING ON CMTS FROM JAPAN FOR ANTEL COMM./ SANYO ELEC. (A-588-405)

MESSAGE NO: 4186111

DATE: 07 05 1994

CATEGORY: ADA

TYPE: SCO

REFERENCE:

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CASES: A - 588 - 405

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PERIOD COVERED: 05 03 1994 TO

LIQ SUSPENSION DATE:

TO: REGIONAL DIRECTORS, COMMERCIAL OPERATIONS
DISTRICT DIRECTORS, AREA AND PORT DIRECTORS

FROM: DIRECTOR, TRADE COMPLIANCE DIVISION

RE: SCOPE RULING ON CMTS FROM JAPAN FOR ANTEL COMM./
SANYO ELEC. (A-588-405)

1. ON MAY 3, 1994, IN RESPONSE TO A REQUEST BY ANTEL COMMUNICATIONS CORPORATION AND TOTTORI SANYO ELECTRIC CO., LTD., THE DEPARTMENT OF COMMERCE ISSUED A FINAL SCOPE RULING FINDING THAT THE ANTEL MODEL STR 1600 AND SANYO MODEL CMP 351 PORTABLE CELLULAR TELEPHONES ARE NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER ON CELLULAR MOBILE TELEPHONES (CMTS) AND SUBASSEMBLIES FROM JAPAN.

2. THE COMMERCE DEPARTMENT DETERMINED THAT THE ANTEL MODEL STR 1600 AND SANYO MODEL CMP 351 COMBINATION UNITS SATISFY ALL OF THE CRITERIA ESTABLISHED FOR DETERMINING WHETHER MERCHANDISE IS "POCKET-SIZE AND SELF-CONTAINED" AND, FURTHER, THAT THE TOPANTEL MODEL STR 1600 AND SANYO MODEL CMP 351 COMBINATION UNITS ARE INTENDED PRIMARILY FOR PORTABLE, HAND-HELD USE AND THAT THERE IS NOTHING ON THE RECORD THAT INDICATES THAT THE UNITS ARE NOT PRIMARILY PORTABLE CELLULAR TELEPHONES. THEREFORE, THE ANTEL MODEL STR 1600 AND SANYO MODEL CMP 351 ARE NOT WITHIN THE SCOPE OF THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING CMTS AND SUBASSEMBLIES FROM JAPAN.
3. EFFECTIVE IMMEDIATELY, TERMINATE SUSPENSION AND LIQUIDATE ALL UNLIQUIDATED ENTRIES, REGARDLESS OF ENTRY DATE, OF THE ANTEL MODEL STR 1600 AND SANYO MODEL CMP 351 PORTABLE CELLULAR TELEPHONES FROM JAPAN. CONTINUE TO SUSPEND LIQUIDATION OF CMTS AND SUBASSEMBLIES THAT HAVE NO EXCLUSIONARY CHARACTERISTICS AND ALL OTHER ENTRIES OF CMTS AND SUBASSEMBLIES FROM JAPAN.
4. THE ASSESSMENT OF ANTIDUMPING DUTIES BY THE CUSTOMS SERVICE ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISION OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CUSTOMS PAY INTEREST ON OVERPAYMENTS, OR ASSESS INTEREST ON UNDERPAYMENTS, ON THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES. INTEREST SHALL BE CALCULATED FROM THE DATE OF PAYMENT OF ESTIMATED ANTIDUMPING DUTIES THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.
5. REFUND ANY CASH DEPOSITS AND RELEASE ANY BONDS RELATING TO THE ANTEL MODEL STR 1600 AND SANYO MODEL CMP 351 PORTABLE CELLULAR TELEPHONES.

6. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT VIA E-MAIL, THROUGH THE REGIONAL ANTIDUMPING/COUNTERVAILING DUTY COORDINATOR, TO THE TRADE COMPLIANCE DIVISION, ANTIDUMPING/COUNTERVAILING DUTY BRANCH, USING ATTRIBUTE "HQ OAB." OTHER INTERESTED PARTIES SHOULD CONTACT RONALD TRENTAM AT (202) 482-3931 OR WENDY FRANKEL AT (202) 482-5253, IN THE OFFICE OF ANTIDUMPING COMPLIANCE, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, DEPARTMENT OF COMMERCE.

7. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

NANCY MCTIERNAN

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party